

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CIVIL MOTION HEARING

In re EpiPen ERISA Litigation

COURT MINUTES – CIVIL

BEFORE: Hildy Bowbeer

U.S. Magistrate Judge

Case No.: 17-cv-1884 (PAM/HB)

Date: June 19, 2019

Court Reporter: Tim Willette

Courthouse: Saint Paul

Courtroom: 7D

Time: 2:41-4:30 p.m.

APPEARANCES:

For Plaintiffs: Gretchen Obrist, Justin Saif, Kate Baxter-Kauf, Kathleen Donovan-Maher, Garrett Heilman, Christopher Gold

For Defendant Prime Therapies, LLC: Jaime Stilson,

For Express Scripts Defendants: Jonathan Cooper, Donald Heeman, Eric Lyttle, Jessica Nelson,

For CVS Defendants: Daniel Dockery, Deborah Ellingboe

For Optum Defendants: Brian Boone, Donald Campbell, Elizabeth Brown

PROCEEDINGS:

Plaintiffs' Motions to Compel directed to the CVS Defendants [Doc. No. 407] and the Express Scripts Defendants [Doc. No. 413] were argued, submitted, and taken under advisement.

With respect to Plaintiffs' request for documents from the ESI Defendants pertaining to a Department of Labor investigation looking into their pharmaceutical pricing practices, counsel for the ESI Defendants represented that although they had searched in all locations, including outside counsel, where they believed responsive documents might be located, they would conduct additional searches if additional possible sources came to their attention. As for the documents located thus far, they have produced the non-privileged documents they have reviewed to date, and expect to complete their review of the remaining documents within the next week. Counsel currently anticipates no reason they would refuse to produce the remaining non-privileged documents they have located, and the Court encouraged them to do so. The Court ordered the ESI Defendants to update both the Plaintiffs and the Court on this issue by letter filed on CM/ECF on or before June 28, 2019. The update should also describe what efforts

have been made to locate documents and, if the search remains incomplete, any additional steps to be taken.

Other Information: Any transcript of the arguments is deemed Confidential-Attorney's Eyes Only and shall be SEALED, with access being allowed only to the parties' counsel.

s/Brian Bender
Judicial Law Clerk